

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HUNTER SEVERINI,

Plaintiff,

v.

PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY,

Defendant.

Case No. 18-CV-2775

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant Pennsylvania Higher Education Assistance Agency (“PHEAA”), by its undersigned attorneys, hereby removes this action from the New York County Civil Court of the State of New York to the United States District Court for the Southern District of New York. Removal is warranted under 28 U.S.C. § 1441 because this is an action over which this Court has original jurisdiction under 28 U.S.C. § 1331 because it arises under the laws of the United States, namely the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 - 1692p. In support of this Notice, PHEAA states as follows:

1. On or about March 7, 2018, plaintiff Hunter Severini commenced a civil action in the New York County Civil Court of the State of New York styled *Hunter Severini v Pennsylvania Higher Education Assistance Agency*, Index No.: 498. SCNY 2018 1. Service of the Notice of Claim and Summons to Appear was made upon PHEAA’s registered agent for service of process on March 13, 2018.

2. Other than the Notice of Claim and Summons to Appear, PHEAA has received no other process, pleadings, motions, or orders relating to the action. Pursuant to 28

U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served on PHEAA are attached hereto as Exhibit A.

3. The United States District Court for the Southern District of New York is the federal district encompassing the New York County Civil Court of the State of New York, where this suit was originally filed. *See* 28 U.S.C. § 112(c). Venue is therefore proper in this Court, pursuant to 28 U.S.C. § 1441(a).

4. A civil action for which a district court has original jurisdiction founded upon a claim or right arising under the laws of the United States shall be removable without regard to citizenship or residence of the parties. 28 U.S.C. § 1441(b).

5. Removal is authorized when the well-pleaded allegations of the complaint raise an issue of federal law. *See Louisville & Nashville R. Co. v. Mottley*, 211 U.S. 149 (1908), overruled on other grounds; *Smith v. Kansas City Title & Transfer Co.*, 255 U.S. 180 (1921).

6. This action is properly removed because it purports to enforce claims or rights which arise under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 - 1692p. *See* 28 U.S.C. §§ 1331, 1441(b).

7. This Notice is timely, as it being filed within 30 days after receipt by PHEAA of the pleading from which it was first ascertainable that the case is one which is removable. *See* 28 U.S.C. § 1446(b)(3).

8. A copy of this Notice will be filed with the New York County Civil Court of the State of New York, as required by 28 U.S.C. § 1446(d).

14. A copy of this Notice will be served upon Plaintiff as required by 28 U.S.C. § 1446(d).

WHEREFORE, PHEAA hereby removes this action from the New York County Civil Court of the State of New York to the United States District Court for the Southern District of New York.

Dated: March 29, 2018

Respectfully submitted,

/s/ Adam B. Michaels

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